



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JAN 11 2017

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Ms. Angela McAdow
Owner, Art's Auto Wrecking, LLC
23536 River Road
Sedro-Wooley, Washington 98284

Re: Art's Auto Wrecking, LLC
Washington Industrial Stormwater General Permit Number WAR000602

Dear Ms. McAdow:

On January 1, 2015, the Washington Department of Ecology (WDOE) issued an Industrial Stormwater General Permit (ISGP) to Art's Auto Wrecking, LLC ("Facility"), ISGP Permit Number WAR000602, which will expire on December 31, 2019. On October 8, 2015, the U.S. Environmental Protection Agency (EPA) conducted an inspection of the Facility to determine compliance with the Washington ISGP and Section 402 of the Clean Water Act (CWA). The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the Facility, in response to the inspection conducted by EPA. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

1. EPA reviewed the Washington Water Quality Permitting and Reporting Information System ("PARIS") DMRs from December 2011 through November 2016 and did not identify any benchmark exceedances.
2. Part S9.B.1 of the ISGP states, "The Permittee shall submit a complete and accurate Annual Report to the Department of *Ecology* no later than May 15th of each year using *Ecology's* Water Quality Permitting Portal – Permit Submittals application, unless a waiver from electronic reporting has been granted according to S9.A.3. Annual Reports are not required if the Permittee didn't have permit coverage during the previous calendar year."

During a review of PARIS records from December 2011 through November 2016, EPA discovered that the 2014 Annual Report, due May 15, 2015, was submitted late. The 2014 Annual Report was received in October 2015. This is a violation of Part S9.B.1 of the ISGP.

OCTOBER 2016 INSPECTION

1. Part S3.B.4.b.i.4.a of the ISGP states, "Store all chemical liquids, fluids, and petroleum products, on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater."

At the time of the inspection, the inspector observed an open used oil container, buckets, barrels, and drums of used vehicle fluids, a diesel fuel tank, and an empty 55-gallon drum all stored without secondary containment. In addition, the inspector observed a 450-gallon used oil collection tank with standing liquid present in the secondary containment. It is the inspector's belief that the standing liquid would prevent the secondary containment from holding 110% of the tank volume as required by the ISGP. Failure to have secondary containment, or adequate secondary containment, is a violation of Part S3.B.4.b.i.4.a of the ISGP.

2. Part S3.B.4.b.i.4.c of the ISGP states, in part, "Locate spill kits within 25 feet of all stationary fueling stations, fuel transfer stations, mobile fueling units, and used oil storage/transfer stations. At a minimum, spill kits shall include...oil absorbents capable of absorbing 15 gallons of fuel."

At the time of the inspection, the inspector observed that a spill kit was empty and did not contain any absorbent material. This is a violation of Part S3.B.4.b.i.4.c of the ISGP.

3. Part S3.A.4.c of the ISGP states, "If a Permittee covered under the 2010 ISGP needs to update their SWPPP to be consistent with the 2015 ISGP, the update shall be completed by January 30, 2015."

At the time of the inspection, the inspector noted that the SWPPP on-file was not dated and was for the previous permit, #SO3000602. These are violations of Part S3.A.4.c of the ISGP.

4. Part S3.B.1 of the ISGP states, in part, that the SWPPP must include a site map illustrating facility characteristics including stormwater boundaries, stormwater drainage, pollutant sources, BMPs, etc.

At the time of the inspection, the inspector noted that the SWPPP site map only illustrated the Facility's south yard and did not include most of the requirements described in the ISGP. In addition, the map's compass directions were reversed. These are violations of Part S3.B.1 of the ISGP.

5. Part S3.B.4.b.i.5 of the ISGP states, in part, the Facility must at a minimum conduct employee training annually.

At the time of the inspection, the inspector noted that the Facility had no documentation that training had been conducted. Failure to annually conduct employee training is a violation of Part S3.B.4.b.i.5 of the ISGP.

6. Part S3.B.5 of the ISGP states, in part, that the SWPPP shall include a sampling plan.

At the time of the inspection, the inspector noted that the Facility's SWPPP did not include a Sampling Plan or any details on sampling procedures. Failure to include a Sampling Plan in the SWPPP is a violation of Part S3.B.5 of the ISGP.

7. Part S7.A.1 of the ISGP states, "The Permittee shall conduct and document visual inspections of the site each month."

At the time of the inspection, the inspector requested to review copies of the monthly visual inspection reports. The Facility was unable to produce inspection reports for the June and August 2015 inspections. Failure to conduct monthly visual inspections, or to document the inspections, is a violation of Part S7.A.1 of the ISGP.

8. Part G2.D of the ISGP states, "Certification. Any person signing a document under this section shall make the following certification: "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that *qualified personnel* properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

At the time of the inspection, the inspector reviewed quarterly DMRs and discovered that the 2014 first, second, and fourth quarter DMRs were not certified. Failure to certify the DMRs is a violation of Part G2.D of the ISGP.

Although our goal is to ensure facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the ISGP requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely



Edward J. Kowalski
Director

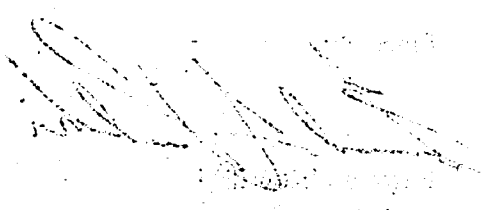
Enclosure

cc:

w/o encl: Mr. Greg Stegman
Northwest Regional Office
Washington Department of Ecology

w/encl: Mr. Kurt Baumgarten
Bellingham Field Office
Washington Department of Ecology

Enclosure



Very truly yours,
[Signature]
[Name]
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